

United States Court of Appeals for the Fifth Circuit

No. 21-50949

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

STATE OF TEXAS,

Defendant—Appellant,

ERICK GRAHAM; JEFF TULEY; MISTIE SHARP,

Intervenor Defendants—Appellants.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 1:21-CV-796

Before STEWART, HAYNES, and HO, *Circuit Judges.*

PER CURIAM:

The emergency motions to stay the preliminary injunction pending appeal are granted for the reasons stated in *Whole Woman’s Health v. Jackson*, 13 F.4th 434 (5th Cir. 2021), and *Whole Woman’s Health v. Jackson*, 141 S. Ct. 2494 (2021). Judge Stewart dissents. The appeal is expedited. The Clerk will schedule this case for oral argument before the same panel that will hear the appeal in *Whole Woman’s Health v. Jackson*, No. 21-50792.

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

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October 14, 2021

MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW:

No. 21-50949 USA v. State of Texas
USDC No. 1:21-CV-796

Enclosed is an order entered in this case.

An expedited briefing schedule will issue under separate cover.

Sincerely,

LYLE W. CAYCE, Clerk

Charles Whitney

By: _____
Charles B. Whitney, Deputy Clerk
504-310-7679

Ms. Jeannette Clack
Ms. Kyle T. Edwards
Mr. Thomas Molnar Fisher
Mr. Mark Reiling Freeman
Ms. Brianne Jenna Gorod
Ms. Heather Gebelin Hacker
Ms. Sarah Elaine Harrington
Amy Snow Hilton
Ms. Beth Ellen Klusmann
Mr. Jonathan F. Mitchell
Mr. Brian David Netter
Mr. Leif A. Olson
Mr. James Ryan Powers
Mr. Michael S. Raab
Mr. Alan E. Schoenfeld
Mr. Andrew Bowman Stephens
Mr. Judd Edward Stone II
Ms. Laura Jean Thetford
Ms. Natalie Deyo Thompson
Mr. William Thomas Thompson
Mr. Benjamin Walton
Mr. Daniel Winik